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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
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10/775,149

02/11/2004

Daryl Gazzard

CING02-125

1192

39565

7590

03/22/2006

EXAMINER

BEAMER, TEMICA M

IP GROUP

SHAW PITTMAN/CINGULAR & WIRELESS

1650 TYSONS BLVD.

13TH FLOOR

MCLEAN, VA 22102

ART UNIT

PAPER NUMBER

2617

DATE MAILED: 03/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                               |                                |  |
|------------------------------|-------------------------------|--------------------------------|--|
| <b>Office Action Summary</b> | Application No.<br>10/775,149 | Applicant(s)<br>GAZZARD ET AL. |  |
|                              | Examiner<br>Ternica M. Beamer | Art Unit<br>2681               |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1 and 16-24 is/are allowed.
- 6) ☒ Claim(s) 3-15 and 25-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 1/9/2006 with respect to claims 1 and 16-24 have been fully considered and are persuasive. The rejections of claims 1 and 16-24 have been withdrawn.

2. Applicant's arguments filed 1/9/2006 with respect to claims 3-15 and 25-34 have been fully considered but they are not persuasive.

Regarding claim 3, applicant argues that Mölne fails to disclose scanning control channels that span from one band to another, however, such a feature is not claimed. The claim only requires that frequency bands are scanned. This limitation is disclosed as evidenced by the fact the mobile station scans different frequencies in different networks (col. 3, lines 20-33).

Applicant also argues that Mölne fails to disclose storing location area codes (LAC's). The examiner, however, disagrees. Mölne discusses MCC's. These codes represent location areas (countries) within the cellular system.

Applicant further argues that Mölne fails to disclose "reselection". However, the examiner has not given patentable weight to the preamble since the limitations in the preamble have not been tied into the body of the claims.

Therefore, the rejections to claims 3-15 and 25-34 stand as set forth below.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 3-15 and 25-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Mölne.

Regarding claims 3-15 and 25-34, Mölne discloses providing a plurality files on a SIM of a mobile station (figures 3 and 4) (col. 7, lines 40-64), scanning frequency bands (at power up of the mobile unit) (col. 3, lines 20-32 and col. 4, lines 23-35); searching for a home network LAC and attempting to perform a location update on the home network LAC wherein the home LAC is defined in a first file in a SIM of the mobile station (col. 7, line 47-col. 8, line 13).

Mölne further discloses scanning multiple files stored in the SIM, files which include home networks, preferred networks, priority networks, etc. (figures 3 and 4), in an effort to select a service provider. The stored information includes the mobile country code (MCC). This code, along with other codes, is used to help the mobile determine which system to select (col. 8, lines 1-12).

***Allowable Subject Matter***

5. Claims 1 and 16-24 are allowed.

***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Temica M. Beamer whose telephone number is (571) 272-7797. The examiner can normally be reached on Monday-Thursday (alternate Fridays) 7:00am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2681

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

tmb

*Jemica M. Beamer*  
JEMICA BEAMER  
PRIMARY EXAMINER  
3/20/06